

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

ROXANNE BEAL, 2009 NOV 18 P 3:37
Plaintiff

v. CLERK'S OFFICE
AT BALTIMORE

BY
THE BOARD OF EDUCATION OF DEPUTY
FREDERICK COUNTY et al.,
et al.,
Defendants

CIVIL NO. L-08-1244

MEMORANDUM

This is a civil rights case. Plaintiff Roxanne Beal alleges that the Defendants violated her state and federal free speech rights, and committed several torts, by detaining her during a track meet and barring her from Middletown High School property, Urbana High School property, and sporting events in which Governor Thomas Johnson High School participates.

Now pending are Motions to Dismiss filed by the Board of County Commissioners for Frederick County, Maryland (Docket No. 27), Frederick County Sheriff Chuck Jenkins (Docket No. 28), and the Board of Education for Frederick County (Docket No. 29).¹ For the reasons stated herein, the Court will, by separate Order of even date, DISMISS all of Beal's claims.

I. Background

A. Facts Alleged in Plaintiff's Complaint

Plaintiff Roxanne Beal is the mother of a student at Governor Thomas Johnson High School in Frederick, Maryland. Compl. ¶ 15. On May 10, 2007, Beal attended a track and field meet at Urbana High School in which her daughter was competing. Id. ¶ 16. During the meet, field officials penalized a Governor Thomas Johnson High School athlete who was participating

¹ The Court will construe Deputy Rudy Torres's Answer (Docket No. 26) as a Motion to Dismiss because he alleges that Plaintiff failed to state a claim on which relief can be granted.

in the high jump competition. Id. ¶ 17. Eventually, a Middletown High School athlete won that event.

During the meet, Beal went to the restroom. While exiting the restroom, Beal encountered a Middletown High School student and an adult accompanying her. Id. ¶ 18. Beal alleges that she “commented that it was ‘too bad’” that the Thomas Johnson student had been penalized.² Id. In response, several Middletown High School students confronted Beal and “became fairly aggressive.” Id. ¶ 19. Beal left the field area, allegedly to “fetch an umbrella in her vehicle in the parking lot, specifically to deescalate the situation.” Id.

Beal alleges that, after an unspecified period of time, she returned to explain the situation to the Thomas Johnson coach. Id. 21. Beal believed that the Middletown students, under the erroneous belief that she was the mother of the penalized athlete, had overreacted to her comment. Id. ¶ 21, 22. Nevertheless, Beal alleges that several school officials approached her, “admonished [her] not to speak further,” and ordered her to leave the field until they determined whether she should be ejected from the event. Id. ¶ 22. Beal alleges that when she did not comply with their request, the officials summoned a Frederick County Sherriff’s Deputy. Id. ¶ 24.

According to Beal, the deputy “displayed his handcuffs, and at least three (3) times admonished her that ‘if [she] sa[id] another word,’ he was going to arrest her.” Id. ¶ 25. Beal alleges that the deputy “eventually seized her by the arm to arrest her.” Id. Beal alleges that she initially resisted, but the deputy “permitted her leave [sic] the field without further incident.” Id.

Subsequently, school officials sent three “trespass” letters to Beal. Id. ¶ 26. In a letter dated May 16, 2007, the principal of Governor Thomas Johnson High School barred Beal from

² Beal acknowledges that she restricted access to the restroom by placing a trashcan in front of the door. Id. ¶ 19. Beal alleges that she did so “to ventilate the room.” Id.

“any and all sporting events in which [the school] participates.” Pl.’s Ex. C. In a separate letter dated May 16, 2007, the principal of Middletown High School barred Beal from Middletown High School property without “administrative approval.” Pl.’s Ex. A. Finally, in a letter dated May 18, 2007, the principal of Urbana High School barred Beal from “school property for any reason,” unless she made an appointment with the principal. Pl.’s Ex. B.

Beal filed suit against (i) the Frederick County Board of Education (the “Board of Education”); (ii) Linda Burgee, Superintendent, Frederick County Public Schools; (iii) Marlene Tarr, Principal, Governor Thomas Johnson High School; (iv) Steven Nibbs, Athletic Director, Governor Thomas Johnson High School; (v) Rebecca Abrecht, Coach, Governor Thomas Johnson High School; (vi) Kathleen Schlappal, Principal, Middletown High School; (vii) George Seaton, II, Principal, Urbana High School; (viii) the State of Maryland; (ix) Chuck Jenkins, Sheriff, Frederick County; (x) Rudy Torres, Deputy Sheriff, Frederick County; (x) Kevin Kendro, Athletic Director, Urbana High School; and (xi) the Board of County Commissioners of Frederick County (the “Board of Commissioners”). Beal’s Complaint contends that the Defendants violated her state and federal civil rights, and committed several torts, by allegedly threatening, detaining, and defaming her.

B. Procedural Background

Beal filed her Complaint on May 12, 2008. Docket No. 1. After two reminder letters to Beal’s counsel, the Court, on July 8, 2009, dismissed Beal’s cause of action without prejudice for failure to effect service on the defendants. Docket No. 11. Subsequently, Beal moved to vacate the Order of dismissal. Docket No. 12. In response, the Court ordered counsel to file affidavits of service for each defendant served. Docket No. 13. Beal’s counsel complied, (Docket Nos.

14-24), and the Court vacated the Order of dismissal and reinstated the cause of action.³ Docket No. 25. The Court also directed counsel to mail a copy of the Order of Vacature and Reinstatement to each named defendant or their counsel, if known, by August 27, 2009. Id.


On September 16, 2009, the Board of County Commissioners and Chuck Jenkins filed separate Motions to Dismiss (Docket Nos. 27, 28) and Deputy Rudy Torres filed his Answer (Docket No. 26). On September 22, 2009, the Frederick County Board of Education, and all of the Defendants employed by the Board, filed a Motion to Dismiss. Docket No. 29. In each of their motions, the Defendants alleged that Beal's counsel had not complied with the Court's instruction to mail the Order of Vacature and Reinstatement.

Beal's responses in opposition were due on October 12, 2009. Because no response had been filed, the Court, on October 16, 2009, ordered Beal's counsel to respond to all pending motions by October 23, 2009, and to offer proof that he had complied with the Court's instruction to mail a copy of the Order of Vacature and Reinstatement. Docket No. 30. Beal's counsel filed his opposition to the motions on October 23, 2009. Docket Nos. 31-33. The responses, however, merely state that the motions should be denied for the reasons and authorities "set forth in the consolidated Memorandum of Law." Id. To date, Beal has not filed a separate Memorandum. An opposition that fails to state any reasons is no opposition at all.

II. Conclusion

Accordingly, the Motions to Dismiss are unopposed, and the case will, by separate Order of even date, be dismissed.

November 18, 2009


Benson Everett Legg
Chief Judge, United States District Court

³ Beal's counsel did not offer proof of service of the State of Maryland.